

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendment of Section 73.622(i),	)	MB Docket No. 21-50
Post-Transition Table of DTV Allotments,	)	RM-11875
Television Broadcast Stations	)	
(Cape Girardeau, Missouri)	)	

**REPORT AND ORDER**

**(Proceeding Terminated)**

**Adopted: May 5, 2021**

**Released: May 5, 2021**

By the Chief, Video Division, Media Bureau:

1. The Video Division, Media Bureau (Bureau), has before it a Notice of Proposed Rulemaking<sup>1</sup> issued in response to a Petition for Rulemaking filed by Gray Television Licensee, LLC (the Petitioner), the licensee of KFVS (CBS), channel 11 (KFVS or Station), Cape Girardeau, Missouri. The Petitioner has requested the substitution of UHF channel 32 for VHF channel 11 at Cape Girardeau in the DTV Table of Allotments.<sup>2</sup>

2. The Petitioner filed comments in support of the petition, as required by the Commission's rules,<sup>3</sup> reaffirming its commitment to applying for channel 32. No other comments were filed. We believe the public interest would be served by substituting channel 32 for channel 11 at Cape Girardeau. According to the Petitioner, KFVS has received numerous complaints from viewers unable to receive the Station's over-the-air signal, despite being able to receive signals from other stations. The Petitioner states that operation on channel 32 will result in a substantial increase in signal receivability for KFVS viewers.<sup>4</sup> Gray has demonstrated that the proposed channel 32 noise limited service contour matches KFVS's existing noise limited service contour, and the proposed change will result in no loss of service.<sup>5</sup>

3. As proposed, channel 32 can be substituted for channel 11 at Cape Girardeau, Missouri, in compliance with the principal community coverage requirements of section 73.625(a) of the

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<sup>1</sup> *Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Stations (Cape Girardeau, Missouri)*, MB Docket No. 21-50, Notice of Proposed Rulemaking, DA 21-159 (Vid. Div. 2021) (*NPRM*).

<sup>2</sup> As noted in the *NPRM*, on April 13, 2017, the Commission completed the incentive auction and broadcast television spectrum repacking authorized by the Spectrum Act, and the post-incentive auction transition period ended on July 13, 2020. As a result of the Commission's Incentive Auction and repacking process, KFVS was repacked from channel 12 to channel 11. The Bureau will amend the rules to reflect all new full power channel assignments in a revised Table of Allotments, but because the Table has not yet been amended, the Bureau has continued to refer to KFVS's repacked channel 11 and the Post-Transition Table of DTV Allotments, 47 CFR § 73.622(i) (2018), for the purpose of this proceeding. See *NPRM* at 1, n.1.

<sup>3</sup> 47 CFR §§ 1.415, 1.419; see also *Buffalo, Iola, Normangee, and Madisonville, Texas*, Report and Order, MB Docket No. 07-729, 24 FCC Rcd 8192, 8194, para. 9 (Aud. Div. 2009).

<sup>4</sup> *NPRM* at 1-2.

<sup>5</sup> *Id.* See also, Petition of Grey Television Licensee, LLC for Rulemaking (filed Nov. 27, 2020), LMS File No. 0000127522 at 3, Engineering Exhibit at 3.

Commission's rules,<sup>6</sup> at coordinates 37-25-46.0 N and 89-30-14.0 W. In addition, we find that this channel change meets the technical requirements set forth in sections 73.616 and 73.623 of the Commission's rules with the following specifications:<sup>7</sup>

<u>City and State</u> <u>Pop.</u>	<u>DTV Channel</u>	<u>DTV Power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service</u>
Cape Girardeau, Missouri	32	473	609.1	910,039

4. We also conclude that good cause exists to make this channel change effective immediately upon publication in the Federal Register, pursuant to section 553(d)(3) of the Administrative Procedure Act.<sup>8</sup> An expedited effective date is necessary in this case to ensure that KFVS can operate with improved service to its viewers as quickly as possible.

5. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 155(c)(1), 303(g), (r), and 307(b), and sections 0.61, 0.204(b) and 0.283 of the Commission's rules, 47 CFR §§ 0.61, 0.204(b), and 0.283, **IT IS ORDERED**, That effective immediately upon the date of publication in the Federal Register, the DTV Table of Allotments, section 73.622(i) of the Commission's rules, 47 CFR § 73.622(i), **IS AMENDED**, with respect to the community listed below, to read as follows:

<u>City and State</u>	<u>Channel No.</u>
Cape Girardeau, Missouri	22, 32

6. **IT IS FURTHER ORDERED**, That within 30 days of the effective date of this Order, Gray Television Licensee, LLC shall submit to the Commission a minor change application for a construction permit (Form 2100, Schedule A) specifying channel 32 in lieu of channel 11.

7. **IT IS FURTHER ORDERED**, That pursuant to section 801(a)(1)(A) of the Congressional Review Act, 5 U.S.C. § 801(a)(1)(A), the Commission **SHALL SEND** a copy of the Order to Congress and to the Government Accountability Office.

8. **IT IS FURTHER ORDERED**, That should no petitions for reconsideration or petitions for judicial review be timely filed, MB Docket No. 21-50 **SHALL BE TERMINATED** and its docket closed.

9. For further information concerning the proceeding listed above, contact Andrew Manley, Video Division, Media Bureau, (202) 418-0596, Andrew.Manley@fcc.gov.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

<sup>6</sup> 47 CFR § 73.625(a).

<sup>7</sup> 47 CFR §§ 73.616, 73.623.

<sup>8</sup> 5 U.S.C. § 553(d)(3).